



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	IV	Out-of-Home Placement	
Chapter:	B	Resource Care	2-10-2003
Subchapter:	6	Management of Resource Family Homes	
Issuance:	600	Resource Family Parent Liability Program	

Eligibility

2-10-2003

Any person who is certified or licensed as a resource family parent by the Division of Child Protection and Permanency, or who was approved as a resource family parent by the Division prior to January 2002, and who is acting in the capacity of a resource family parent at the time of a qualifying occurrence, may be eligible for coverage under the Resource Family Parent Liability Program (the Program).

Coverage

2-10-2003

The Program is intended to provide protection against certain:

1. Damages or losses to a resource family parent's property caused by a foster child;
2. Claims made by third parties against a resource family parent because of the acts of a foster child; and
3. Claims made against a resource family parent by third parties, including foster children or persons acting on their behalf, alleging negligence on the part of the resource family parent in the course of his/her resource family parenting activities.

The Program is also intended to afford legal representation to resource family parents in certain types of civil litigation brought against them alleging property damage or loss caused by an act or omission arising out of the resource family parent's activities in the course of caring for a foster child, in accordance with the agreement between the Division of Child Protection and Permanency and the resource family parent.

Damage/Loss to Personal Property of Resource family parents Caused by Foster Children

2-10-2003

The Program covers valid claims for damage/loss to a resource family parent's personal property having a minimum value of \$75.00 caused by a foster child and occurring while the child is in the care of the resource family parent. The Program's coverage with respect to a resource family parent's damaged personal property having a value between \$75.00 and \$350.00 is primary.

When the value of the damage is more than \$350.00, the Program's coverage is secondary. Resource family parents must submit a claim against other existing insurance, if any, for this damage/loss before seeking coverage under the Program. When private insurance pays for a property damage or property loss claim, the resource family parent may submit a claim to the Program in the amount of the deductible.

Damage to Dwelling of Resource family parent 2-10-2003

Where a foster child in the care of a resource family parent causes damage to the residence of the resource family parent, whether by fire or other catastrophic act, such that the residence or any part of it is rendered uninhabitable, the per claim and per year limitations upon coverage under the Program is \$100,000 for such damage.

Coverage under the Program for damage to the dwelling of the resource family parent is secondary to any policy of insurance responsible to provide such coverage. Resource family parents must submit a claim against any other existing insurance for this damage/loss before seeking coverage under the Program.

Third-Party Liability Claims 2-10-2003

The Program covers valid claims for damage to the property of a third party proximately caused by a foster child and occurring while the child is in the care of the resource family parent.

Coverage under the Program for third-party liability claims is secondary to any policy of insurance responsible to provide such coverage. Resource family parents must submit a claim against any other existing insurance for this damage/loss before seeking coverage under the Program.

Legal Representation 2-10-2003

The State's provision of legal representation to qualifying resource family parents under the Program is secondary. The State will not defend, indemnify, or provide legal representation to a resource family parent to the extent that the resource family parent is protected by any provision of any policy of insurance.

Limits of Coverage 2-10-2003

For the per claim and per year monetary limitations of the Resource Family Parent Liability Program, see [Resource Family Parent Liability Program Pamphlet](#).

Exclusions

2-10-2003

For additional limitations and exclusions of the Resource Family Parent Liability Program, see [Resource Family Parent Liability Program Pamphlet](#).

Resource family parent Responsibilities

2-10-2003

When a resource family parent wishes to file a claim under the Resource Family Parent Liability Program, the resource family parent notifies the Worker immediately following the incident or occurrence. The Worker notifies the Local Office Resource Family Parent Liability Program Coordinator immediately. The Local Office Resource Family Parent Liability Program Coordinator mails the FPLI-87, State of New Jersey Resource Family Parent Liability Program Notice of Claim, to the resource family parent. The resource family parent completes the FPLI-87 and returns it to the Local Office Resource Family Parent Liability Program Coordinator within 30 days.

The resource family parent must not discuss the incident or occurrence or resource family parent liability coverage with a third-party attorney or third-party insurance carrier. See [Resource Family Parent Liability Program Pamphlet](#) and FPLI-87, State of New Jersey Resource Family Parent Liability Program Notice of Claim, for procedures for filing a claim.

The resource family parent shall not, except at his/her own cost, incur any expense, assume any liability or obligation, or make any payment with respect to any claim or suit under the Program, or with respect to any occurrence likely to involve a claim or suit under the Program.

Worker Responsibilities

2-10-2003

When a Worker is informed of an incident or occurrence that may be covered by the Resource Family Parent Liability Program, the Worker or his/her Supervisor reports the matter to the Local Office Resource Family Parent Liability Program Coordinator for follow-up. The Worker does not make the determination that a claim should or should not be filed. The Worker or his/her Supervisor records the information on the CP&P Form [26-52](#), Contact Sheet, and files it in the child's case record.

Local Office Resource Family Parent Liability Program Coordinator Responsibilities 2-10-2003

The Local Office Resource Family Parent Liability Program Coordinator is responsible for assisting resource family parents in filing Program claims and for providing information to local CP&P staff concerning the Program.

The Local Office Resource Family Parent Liability Program Coordinator advises the resource family parent not to discuss the incident or occurrence or resource family parent liability coverage with a third-party attorney or third-party insurance company.

The Local Office Resource Family Parent Liability Program Coordinator is responsible for notifying the Worker or his/her Supervisor if a resource family parent directly notifies the Local Office Resource family parent Liability Coordinator of any incident or occurrence.

Further, the Local Office Resource Family Parent Liability Program Coordinator serves as a liaison between the resource family parents and the Department of Treasury, Bureau of Risk Management (BRM), which administers the Program. The Local Office Resource Family Parent Liability Program Coordinator promptly forwards the resource family parent's claim and all relevant supporting documentation to the Bureau of Risk Management for determination.

Department of Treasury, Bureau of Risk Management Responsibilities 2-10-2003

The Department of Treasury, Bureau of Risk Management, has been designated to administer the Resource Family Parent Liability Program on behalf of CP&P. The Bureau of Risk Management receives the claim and related claim information from the Local Office Resource Family Parent Liability Program Coordinator. The

Bureau of Risk Management is responsible for investigating the claim. If payment and/or legal representation is denied, the Bureau of Risk Management provides the resource family parent with a statement of the reason(s).

Disputes under the Program 2-10-2003

When resource family parents disagree with the determination concerning a claim, the resource family parents have the opportunity to file a written letter of application with the Office of the Attorney General within 15 days of the issuance of the statement of reason(s), in accordance with the provision in [Resource Family Parent Liability Program Pamphlet](#). The written letter of application shall include a complete description of the resource family parent's version of the events, copies of any relevant materials and documentation to support the resource family parent's claim, and a copy of the statement of reason(s). A decision with respect to the application shall be issued by the Attorney General or the Attorney General's designee.

Procedures for Claims Resulting from Losses/Damages 2-10-2003

RESPONSIBILITY	ACTION REQUIRED
Resource family parent	1. Report the occurrence(s) or incident(s) to the police if it is a police matter and request a written report be

	<p>filed by the police department.</p> <p>2. Report incident if covered by any other policy of insurance to that insurer. (Note: Property Damage claims regarding the resource family parent's property, which are between \$75 and \$350, need not be reported to any other insurance company).</p> <p>3. Report incident immediately to Worker.</p>
Worker	<p>4. Inform the Local Office Resource Family Parent Liability Program Coordinator immediately of the occurrence and details of the incident.</p> <p>5. Record the information on the CP&P Form 26-52, Contact Sheet, and file in child's case record.</p>
Local Office Resource Family Parent Liability Program Coordinator	<p>6. Obtain initial information about the incident from the resource family parent and inform him/her about the claims process.</p> <p>7. Offer assistance to the resource family parent in completing the FPLI-87, Resource Family Parent Liability Program Notice of Claim.</p> <p>8. Advise the resource family parent not to discuss the incident or occurrence or resource family parent liability coverage with a third-party attorney or third-party insurance company.</p> <p>9. Refer inquiries from third-party attorney or insurance carrier representative to the Bureau of Risk Management.</p> <p>10. Notify Worker of the occurrence or incident if notified directly by the resource family parent.</p> <p>11. Record the initial information about</p>

	<p>the incident on FPLI-87, State of New Jersey Resource family parent Liability Notice of Claim.</p> <p>12. Fax the FPLI-87, State of New Jersey Resource Family Parent Liability Program Notice of Claim, containing the initial information obtained from the resource family parent, to the Bureau of Risk Management within one working day.</p> <p>13. Forward to the resource family parent within one working day:</p> <ul style="list-style-type: none"> • The FPLI-87, State of New Jersey Resource Family Parent Liability Program Notice of Claim, containing the initial information; • The Department of Treasury Affidavit if the claim is over \$350 and the resource family parent has no homeowner's insurance; • Any special instructions for completing the form(s); and • A stamped, return addressed envelope.
Resource family parent	<p>14. Advise the Local Office Resource Family Parent Liability Program Coordinator of any inquiries from third-party attorneys or third-party insurance carriers.</p> <p>15. Complete, sign and return the FPLI-87, State of New Jersey Resource Family Parent Liability Program Notice of Claim, and the Department of Treasury Affidavit, if applicable, within 30 working days of the incident to the Local Office Resource Family Parent Liability Program Coordinator. Include supporting documents (e.g., estimates, receipts, copy of police</p>

	<p>report, etc.) as instructed.</p> <p>16. Keep a copy of all materials.</p>
Local Office Resource Family Parent Liability Program Coordinator	<p>17. Review the FPLI-87, State of New Jersey Resource Family Parent Liability Program Notice of Claim, and the Department of Treasury Affidavit, if applicable, for accurate completion and supporting documentation.</p> <p>18. Complete the bottom portion of the FPLI-87, State of New Jersey Resource Family Parent Liability Program Notice of Claim, by entering the Local Office phone number, location/code, and signing the form.</p> <p>19. Make one copy of the signed original form(s) and the supporting documentation.</p> <p>20. Forward the signed completed original form(s) and supporting documentation within one working day after receipt to:</p> <p style="padding-left: 40px;">Department of Treasury, Bureau of Risk Management, 1 West State Street PO Box 620 Trenton, NJ 08625</p> <p>21. Keep one copy for the foster home record.</p>
Claims Investigator of Risk Management	<p>22. Review claim form for completeness, determination of coverage, and collateral sources.</p> <p>23. Request additional information from claimant within 10 days, if necessary.</p> <p style="padding-left: 40px;">Note: If additional information or explanation has been requested from the claimant and is not received by Bureau of Risk Management within 60 working</p>

	<p>days, the Bureau of Risk Management will consider the claim inactive and close the file notifying the resource family parent in writing.</p> <p>24. Conduct a field visit to witness the damages, if necessary.</p> <p>25. Determine whether to recommend that payment be made.</p> <p>26. Upon final determination, process the claim as follows:</p> <ul style="list-style-type: none"> a) Send invoice and release to claimant for review and signature on approved claims, or b) Notify all parties of need for further requirements, or c) Notify claimant in writing of denial or adjustment, explaining reasons and appeals process available.
Resource family parent Claim Investigator	27. Return signed invoice and release to: Bureau of Risk Management 1 West State Street PO Box 620 Trenton, NJ 08625
Claims Investigator of Risk Management	28. Within 2 working days of receipt of signed invoice from claimant, forward invoice to the Director, Bureau of Risk Management for approval and forward approved invoice for processing.
Department of Treasury	29. Process approved invoice and mail check to claimant.

Procedures for Processing Claims Resulting from Legal Action

2-10-2003

RESPONSIBILITY	ACTION REQUIRED
Resource family parent	Upon receipt of any legal notice or written demand:

	<ol style="list-style-type: none"> 1. Immediately report claim to the child's Worker or Supervisor. 2. Immediately report claim to personal liability or homeowner's insurance company. 3. Immediately forward all original documents received with a written request for representation providing fullest information obtainable (Refer to Section VI of Program at Resource Family Parent Liability Program Pamphlet) to: Department of Treasury Bureau of Risk Management 1 West State Street PO Box 620 Trenton, NJ 08625 4. Keep a copy of all materials. NOTE: It is essential that notification be done immediately because time frames for response are established by law.
Worker	<ol style="list-style-type: none"> 5. Immediately notify the Local Office Resource Family Parent Liability Program Coordinator. 6. Record the information on the CP&P Form 26-52, Contact Sheet, and file in child's case record.
Local Office Resource Family Parent Liability Program Coordinator	<ol style="list-style-type: none"> 7. Contact the resource family parent and obtain initial information. 8. Advise resource family parent of the claims process and assist resource family parent in meeting reporting requirements. 9. If the legal action involves a lawsuit against CP&P, the State, and/or a CP&P employee, contact the Office of Legal and Regulatory Liaison immediately for direction.

Claims Investigator of Risk Management	<p>10. Review documents for completeness, determination of coverage and/or need for legal representation.</p> <p>11. Make recommendations to the Office of the Attorney General within 5 working days.</p>
Deputy Attorney General (DAG)	<p>12. Advise resource family parent as to representation or other action.</p>